# REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-9, 12-14 and 16-21 are pending in the application, with claims 1, 9 and 17 being independent. Claims 10, 11 and 15 were previously canceled, and claims 21-75 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 9 and 17 are amended herein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.


## § 102 REJECTIONS

Claims 9, 12-14, 16-20 and 75 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,012,919 (So). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 9 and 17 have been amended as proposed during the interview and are believed to be allowable.

**Independent claim 9**, as presently presented, recites, among other things, "a classifier means subsequent packets in that connection are forwarded by a forwarder means without additional classification wherein the classifier means is separate from the forwarder means to enhance scalability."

So is directed to intelligent load balancing in a label switched path environment. So, Abstract. However, So fails to disclose or suggest "wherein the classifier means is

separate from the forwarder means to enhance scalability," as presently recited in independent claim 9.

Accordingly, claim 9 is allowable for at least the foregoing reasons.

**Dependent claims 12-14 and 16** depend from independent claim 9 and are allowable by virtue of this dependency, as well as for additional features that they recite.


**Independent claim 17**, as presently presented, recites, among other things, "a second device that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality wherein once a packet has been classified subsequent packets in that connection are forwarded without further classification, and further wherein hardware of the first device differs and is separate from hardware of the second device to enhance scalability."

So is directed to intelligent load balancing in a label switched path environment. (So, Abstract) However, So fails to disclose or suggest "wherein hardware of the first device differs and is separate from hardware of the second device to enhance scalability," as presently recited in independent claim 17.

Accordingly, claim 17 is allowable for at least the foregoing reasons.

**Dependent claims 18-20** depend from independent claim 17 and are allowable by virtue of this dependency, as well as for additional features that they recite.

# CONCLUSION

For at least the foregoing reasons, claims 1-9, 12-14 and 16-21 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and a notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned to resolve the issue**.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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